

- Application No. 10/608,106
- Response and Amendment, filed Sept. 26, 2006
- In response to Office Action mailed May 26, 2006

REMARKS

The Office Action dated February 17, 2006 (the “Office Action”) rejected all pending claims in this application, which include claims 1-30 and independent claims 1 and 15. Following entry of the present Response and Amendment, claims 1, and 3-30 still remain pending in this application.

In the Office Action, claims 1-14 and 15-30 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claims the subject matter that the applicant regards as the invention. The Office Action also objected to claims 2-6 for lacking antecedent basis for certain claim limitations.

Claim 1 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent number 6,099,320 to Papadopolous (henceforth, “Papadopolous”).

Claims 2-30 were indicated as being allowable over the prior art.

In the present Response and Amendment, claims 1 and 3-30 have been amended while claim 2 has been cancelled. In particular, the preambles of all of claims 1 and 3-30 have been amended to obviate the rejections under section 112. Specifically, the preambles of claim 1 and its remaining dependent claims 3-14 have been amended to specifically recite a “computer network.” Such a recitation clearly and definitively falls into a statutory class of invention, thus obviating the present rejections under section 112. Similarly, the preambles of independent claim 15 and its various dependent claims has been amended to specifically recite a “an electronic computing system.” Such a recitation clearly falls into a statutory class of invention, namely, an article of manufacture. Further, claims 15-30 were amended as appropriate to retain antecedent basis in light of the preamble change.

Further, claim 1 has been amended to include the subject matter of claim 2. Claim 2 was indicated by the Office Action as being allowable over the prior art if rewritten to overcome certain antecedent basis issues. Claim 1 now recites that the “electronic delivery platform is adapted to record performance metrics during delivery of said instruction, during compilation of instructional materials, and during generation of electronic learning content, and wherein said performance metrics measure aspects of said compilation, said generation, and said delivery.” Such recitation clearly renders claim 1, and all claims dependent therefrom, allowable over the prior art. Papadopolous clearly does not disclose, teach, or suggest such features, rendering the

- Application No. 10/608,106
- Response and Amendment, filed Sept. 26, 2006
- In response to Office Action mailed May 26, 2006

claims both novel and non-obvious.

Dependent claims 3-14 have also been amended as necessary to correct dependencies that originally were to cancelled claim 2. It is thus believed that all of claims 1 and 3-14 would now be allowable over the prior art rejections set forth in the Office Action.

Favorable reconsideration of the claims is requested, including removal of the rejections and the issuance of a timely Notice of Allowance.

- Application No. 10/608,106
- Response and Amendment, filed Sept. 26, 2006
- In response to Office Action mailed May 26, 2006

Conclusion

In view of the foregoing, the Applicant respectfully requests that the Examiner reconsider the claims as amended and in light of the above remarks. A timely allowance of all of the pending claims is requested.

The present Response and Amendment has been submitted concurrently with a Transmittal document serving as a formal request for a one-month extension of time and a deposit account authorization for the fee amount due in conjunction with that request.

Applicant has not herein increased the number of claims beyond the amount for which "additional claims fees" have been previously paid. Therefore, no additional fees other than the extension of time fee are believed to be due at this time. If there are any other fees due in connection with the filing of this Response, or if the appropriate extension fee amount has not been authorized on the Transmittal document, please charge any necessary fees to Deposit Account No. 50-1349.

Considering the indication of significant allowable subject matter, the Examiner is requested to contact Applicants' undersigned attorneys by telephone to discuss any matters if the Examiner feels such discussions may expedite the progress of the present application toward allowance and avoid the need for further Office Actions.

Respectfully submitted,

Dated: September 26, 2006

HOGAN & HARTSON LLP
555 13th Street, N.W.
Washington, D.C. 20004
Telephone: 202-637-5600
Facsimile: 202-637-5910
Customer No. 30398

By: 
Celine Jimenez Crowson
Registration No. 40,357

Kevin G. Shaw
Registration No. 43,110